

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

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WRIT PETITION No. 26664 of 2005

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Dated: 14.12.2005

Between:

K. Srinu, S/o. Late K. Tatabbai
R/o. Yerravaram Village, Post Peddapalli P.O. Mandal,
Yelamanchili, Visakhapatnam District,

..... PETITIONER

AND

The General Manager, Telecom District, BSNL,
Visakhapatnam and others.

.....RESPONDENTS

ORDER:

The petitioner states that he was adopted by one Karri Tatabbai, who was employed in the then Telephones Department, Government of India. The said Tatabbai is stated to have died in 1983, and that his wife predeceased him. According to the petitioner, he was aged about 3 years at the time of the death of his adoptive father, and soon after he attained majority, he submitted an application to the respondents for providing appointment on compassionate grounds. Through proceedings, dated 31.08.2005, the second respondent communicated the decision of the third

respondent, rejecting the claim of the petitioner. The same is challenged in this writ petition.

Sri K. Venkateswara Rao, learned counsel for the petitioner, submits that the scheme for providing appointment to the dependants of the deceased employees, on compassionate grounds, is still in vogue in the respondent-organisation, and that the third respondent is not justified in rejecting the application of the petitioner. He contends that the petitioner is living without proper means and is facing serious financial hardship.

Learned Standing Counsel for the respondents, on the other hand, submits that the object, underlying the scheme to provide employment to the dependants of deceased on compassionate grounds, is to enable the family to tide over the distress, resulting out of the death of the deceased, and it cannot be treated as a regular source of employment or an asset of the deceased employee.

The adoptive father of the petitioner died way back in the year 1983, more than two decades ago. The petitioner states that he was a minor at that time and he made an application seeking employment on compassionate grounds in the recent past.

Time and again, the Supreme Court as well as this Court have been emphasizing that the provision to make appointment on compassionate grounds is carved out, with the sole object of rescuing the family of an employee, who died while in service. The benefit is to be conferred not as a matter of course, but only on being satisfied that the deceased employee had left the family in penury. It was further observed that if the family possesses substantial assets or is left with proper means to lead the usual life, the benefit cannot be conferred. The reason is that, each and every employment provided on such grounds would be at the cost of thousands of unemployed persons, whose families do not have the benefit of employment for generations together.

It is difficult to imagine that the family of the petitioner is continuing in penury since past two decades. It is not in dispute that the petitioner has received pension till September, 2004, on account of the death of his adoptive father. The respondents stated valid reasons while rejecting the claim of the petitioner. This Court does not find any basis to interfere with the same.

Hence, the writ petition is dismissed. There shall be no order as to costs.

14.12.2005

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